IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 635 OF 2004

IN

SUMMARY SUIT NO. 3514 OF 2003

Union of India .....Plffs.
vs.
M/s. Calibre Critic Overseas and ors.....Defnds.

Harinder Toor i/b. Ms. N.I. Bakali for the plffs.

M.S. Kumthekar for defendant no.2.

CORAM: S.U. KAMDAR, J.

DATE : 13th September, 2005.

P.C. :.

1. The present suit is filed on promissory note being Ex.C for the recovery of Rs.3.00 Lacs in addition to the interest amount of Rs.1,27,376/- totalling to Rs.4,37,376/-. The bank purchased and discounted a cheque for a sum of Rs. 4.00 lacs which was issued by the buyer of the defendant

company namely M/s. Expoxia Mercantile Resources, Singapore. After the amount is advanced by the plaintiff bank to the defendant the defendant has issued the present promissory note. The only defence raised is that the promissory note is served only on one of the partners, that is the first defendant and not on the third defendant. The suit is against the first defendant firm. The defendant nos.2 and 3 are sued only in capacity as partners. The defendant no.1 has executed the said promissory note. Thus there is no defence.

2. However with a view to grant an opportunity to defend the suit, I direct the defendant to deposit a sum of Rs.4.00 lacs in this court within a period of 4 weeks failing which the plaintiff will be entitled to the decree. The amount so deposited will be invested by the Prothonotary and Senior master in fixed deposits of any nationalised bank initially for a period of three years and renew the same from time to time till further orders.

3. If the amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

ssd/-

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